

PATENT

Application No. 10/759,844
Attorney Docket No. 067575-5006-US

In the Drawings:

The attached sheet of drawings includes changes to FIG. 5. This sheet, which includes FIG. 5, replaces the original sheet including FIG. 5.

Attachment: One (1) Replacement Sheets including FIG. 5.

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Reconsideration of this Application is respectfully requested. Upon entry of the foregoing amendments, claims 1-23 are pending in the application, with claims 1 and 13 being the independent claims. Because the foregoing changes introduce no new matter, their entry is respectfully requested.

Based on the above Amendment and the following Remarks, Applicant respectfully requests that the Examiner reconsider all outstanding objections and rejections and that they be withdrawn.

Objections to the Specification

The Examiner has made an objection to the drawings on the grounds that the drawings must show every feature of the invention specified in the claims, referencing "the securing rod with a threaded end coupled to a threaded pin of said securing lever". Applicant respectfully submits that said feature is indeed shown in the drawings. Securing rod 51 with threaded end 55, and threaded pin 56 of securing lever 52 are indeed shown in FIG. 5.

Moreover, Applicant respectfully submits that a detailed illustration of actual threads are unnecessary as threaded rods and pins are so conventional and well known. It is clear that one of ordinary skill could make and use the present invention based upon the written description and drawings of the present application as originally filed. For example, paragraph no. 0038 recites "the securing rod may be in the form of an elongated carriage bolt having a bolt head 53 engaging a countersunk bore 54 at the base of auxiliary notch 49 of clamp member 35 and a threaded end 55 adjustably engaging a threaded pin 56 of the securing lever 52."

Accordingly, Applicant respectfully requests the Examiner to reconsider the objection the drawings under 37 C.F.R. 1.83(a) and withdraw the objection.

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The Examiner has made an objection to claims 2 and 14 based on the recited "and/or" language. Applicant respectfully submits that the objection of these claims is overcome by the accompanying amendment thereto.

Rejections under 35 U.S.C. § 112

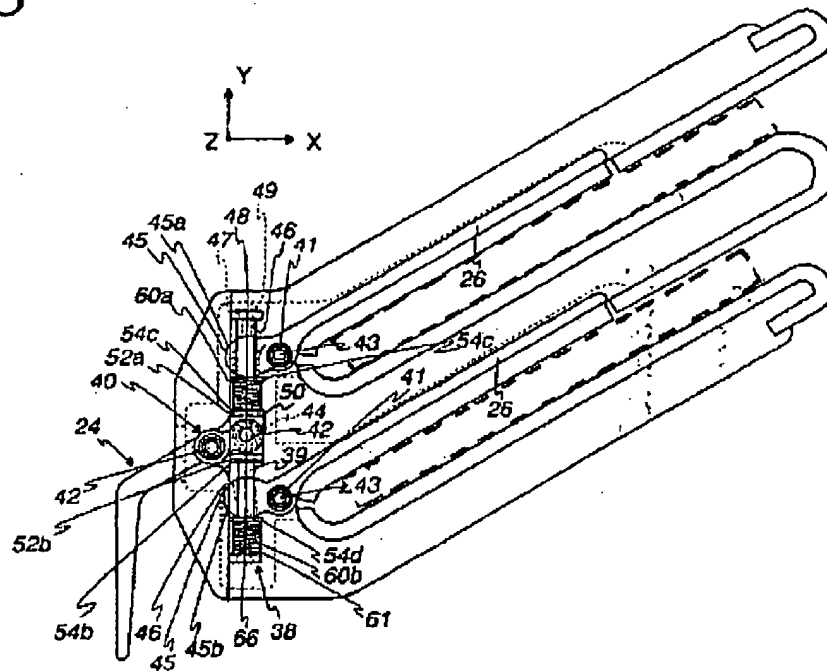
The Examiner has rejected claims 1-23 under 35 U.S.C. § 112, second paragraph as being indefinite. Applicant respectfully submits that the rejection of the claims is overcome by the accompanying amendment thereto.

Rejections under 35 U.S.C. § 102 and 103***Claims 1-23***

The Examiner has rejected claims 1-23 under 35 U.S.C. § 102 and 103 as being anticipated by U.S. Patent No. 6,886,795 to Schultz ("Schultz"), or unpatentable over Schultz in combination with U.S. Patent No. 5,752,638 to Meeks ("Meeks") or U.S. Patent No. 5,316,192 to Ng ("Ng"). Schultz, Meeks, and Ng, taken individually or combined, fail to teach or suggest the sport equipment rack of the present invention including a base, a guide extending from said base at an angle, and a clamp member slideable along said guide, as is called for by amended claims 1 and 13.

Schultz does not disclose such a feature. Instead, Schultz discloses a device having a shifter 38 that extends transversely to actuating levers 26, and arms 30. Actuating levers 26 are pivotally mounted on arms 30 by pins 43 and operably coupled to shifter 38. See Schultz, FIG. 3, reproduced below. Schultz, however, fails to disclose or teach any clamping member that is slideable along a guide as called for by the present invention.

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Both Meeks and Ng fail to account for the deficiencies of Schultz.

Regarding claim 4, the Examiner has taken the position that the support prongs (i.e., upper and lower arms 30) of Schultz are "substantially symmetrical" about the guide member (i.e., center arm 30). Applicant respectfully disagrees. The upper and lower arms are certainly parallel with the center arm, however, the upper arm is by no means the mirror image of the lower arm with respect to the center arm. As such, Applicant respectfully submits that Schultz fails to teach or suggest support prongs that are substantially symmetric about any axis, much less about a guide member.

With respect to claims 13 and 15, Applicant respectfully traverses the Examiner's rejection based on the grounds that "zero [degrees] is an angle". Interpreting the claims as such is improperly reading a clear limitation out of the claims. Should the Examiner maintain this rejection, Applicant respectfully requests citation of a reference in support of the Examiner's position. See *M.P.E.P.* § 2144.03.

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For at least these reasons, Applicant respectfully submits that Schultz, Meeks, and Ng, taken individually or combined, do not anticipate or render obvious independent claims 1 or 13. Applicant submits that claims 2-12 and 14-23, which depend directly or indirectly from either claim 1 or claim 13, are allowable over the cited art for at least the same reasons noted above.

CONCLUSION

All of the stated grounds of objection and rejection have been properly traversed, accommodated, or rendered moot. Applicant therefore respectfully requests that the Examiner reconsider all presently outstanding objections and rejections and that they be withdrawn. Applicant believes that a full and complete reply has been made to the outstanding Office Action and, as such, the present application is in condition for allowance. If the Examiner believes, for any reason, that personal communication will expedite prosecution of this application, the Examiner is invited to telephone the undersigned at the number provided below.

The Commissioner is hereby authorized to charge any underpayment of fees associated with this communication, including any necessary fees for extension of time or additional claims, and/or credit any overpayment to Deposit Account No. 50-0310 (Order No. 067575-5006-US).

Prompt and favorable consideration of this Amendment and Response is respectfully requested.

Respectfully submitted,

Date: April 26, 2008By: Victor E. Johnson, Reg. No. 41,546
Filed Under 37 C.F.R. § 1.34

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